

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KIMBERLY COCROFT,	:	Case No. 2:24-cv-04208
	:	
Plaintiff,	:	District Judge Michael J. Newman
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
FRANKLIN COUNTY OHIO, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This matter is before the Court to consider Plaintiff's response to an Order to Show Cause. (Doc. Nos. 23, 24.) The Order concerned a second "Amended Complaint" filed on the docket without leave of court or Defendants' agreement. (Doc. No. 17.)

As background, Plaintiff filed her original Complaint in this case on November 26, 2024. (Doc. No. 1.) She filed a [First] Amended Complaint on December 12, 2024. (Doc. No. 12.) On February 3, 2025, she filed another "Amended Complaint." (Doc. No. 17.) The Court ordered Plaintiff to show cause why the apparent [Second] Amended Complaint (Doc. No. 17) should not be stricken from the docket. (Doc. No. 23.)

Plaintiff explains in her Response that the document at issue (Doc. No. 17) is another copy of the [First] Amended Complaint (Doc. No. 12), rather than a Second Amended Complaint. (Doc. No. 24.) It was filed as part of, and in conjunction with, Plaintiff's effort to ensure proper service/waiver of service. (*Id.*) Nonetheless, Plaintiff agrees "that it would be appropriate for this honorable Court to strike Doc. No. 17 to eliminate any confusion." (*Id.* at PageID 1153.)

The Court accepts Plaintiff's response and concludes that the re-filing of the [First] Amended Complaint (Doc. No. 17), while unnecessary, does not violate Fed. R. Civ. P. 15(a). The Order to Show Cause (Doc. No. 23) is accordingly **DISCHARGED**.

The re-filed [First] Amended Complaint (Doc. No. 17) is confusing, however, as Plaintiff acknowledges. The Court therefore **ORDERS** it to be **STRICKEN** and **DIRECTS** the Clerk of Court to restrict access to it to Court users only.

The operative complaint at this time is Plaintiff's [First] Amended Complaint. (Doc. No. 12.) *See In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013) (citing *Pac. Bell Tel. Co. v. Linkline Commc'ns, Inc.*, 555 U.S. 438, 456 n.4 (2009)) ("An amended complaint supersedes an earlier complaint for all purposes."). All 21 Defendants have moved to dismiss the [First] Amended Complaint. (Doc. Nos. 20, 29.) Plaintiff has also filed a Motion for Leave to File a Second Amended Complaint (Doc. No. 28), which will be resolved in due course. Any responses to this motion are due by **March 18, 2025**.

The Clerk of Court is **DIRECTED** to modify the name of the first-listed defendant on the docket to "Franklin County Ohio" as set forth in the caption of the [First] Amended Complaint. (Doc. No. 12.) The short title of the case on the docket should likewise be amended.

IT IS SO ORDERED.

s/Caroline H. Gentry
Caroline H. Gentry
United States Magistrate Judge